

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 12, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

KIMBERLEY P.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 2:22-CV-00245-SAB

**ORDER GRANTING MOTION TO  
REMAND**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 16. The motion was considered without oral argument. Plaintiff is represented by Maren Ann Miller Bam. Defendant is represented by Timothy Durkin and Frederick Fripps.

The parties stipulated that the above-captioned case can be reversed and remanded to the Commissioner for a de novo hearing.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, ECF No. 16, is **GRANTED**.
2. The above-captioned case is **reversed** and **remanded**.
3. On remand, the Commissioner shall direct the Administrative Law Judge to give further consideration to the opinion evidence, give further consideration to the step four and five findings, and if necessary, obtain further vocational evidence. The ALJ shall take any necessary action to complete the administrative record and

**ORDER GRANTING MOTION TO REMAND ~ 1**

1 the sequential evaluation and issue a new decision. Plaintiff shall have the  
2 opportunity to submit new evidence.

3 4. This case is being remanded pursuant to sentence four of § 405(g).

4 5. The Clerk of Court is directed to enter judgment in accordance with Fed.  
5 R. Civ. P. 58, consistent with the Supreme Court's decision in *Shalala v. Schaefer*,  
6 509 U.S. 292, 296 302 (1993).

7 6. Pursuant to the parties' agreement, reasonable attorney fees, expenses,  
8 and costs may be awarded under the Equal Access to Justice Act, 28 U.S.C. §§  
9 2412 and 1920, upon proper request to the Court.

10 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
11 file this Order, provide copies to counsel and **close** the file.

12 **DATED** this 12th day of June 2023.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

18 Stanley A. Bastian  
19 Chief United States District Judge  
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